

**Minutes of the Special Meeting
of the Massachusetts Board of Elementary and Secondary Education
Monday, February 27, 2017
5:05 p.m.–9:10 p.m.
Department of Elementary and Secondary Education
75 Pleasant Street, Malden, MA**

Members of the Board of Elementary and Secondary Education Present:

Paul Sagan, Chair, Cambridge
Katherine Craven, Brookline
Ed Doherty, Boston
Margaret McKenna, Boston
Nathan Moore, Chair, Student Advisory Council, Scituate
Michael Moriarty, Holyoke
Pendred Noyce, Boston
James Peyser, Secretary of Education
Mary Ann Stewart, Lexington

Mitchell D. Chester, Commissioner of Elementary and Secondary Education, Secretary to the Board

Members of the Board of Elementary and Secondary Education Absent:

James Morton, Vice-Chair, Boston
Roland Fryer, Cambridge

Chair Sagan called the meeting to order at 5:05 p.m. He noted that Vice-Chair Morton and Dr. Fryer would not be in attendance this evening. Chair Sagan said the agenda includes several complex matters and the meeting might go longer than originally scheduled.

Statements from the Public

1. Barbara Madeloni, President, Massachusetts Teachers Association, addressed the Board on Pioneer Valley Chinese Immersion Charter School
2. Marc Kenen, Executive Director, Massachusetts Charter Public School Association, addressed the Board on charter authorizing.

The following panel addressed the Board on Hampden Charter School of Science:

3. John C. Martin, Esq., Amsterdam & Partners LLP
4. Mr. Tuncay Bayrak, President, Turkish-American Society of Western Massachusetts
5. Mr. Halil Mutlu, President, Turken Foundation
6. Mr. Mehdi Osmanli, President, Ahiska Turkish American Community Center in West Springfield

Commissioner Chester acknowledged the upcoming retirement of Marc Kenen at the end of this school year. Chair Sagan and Ms. McKenna extended their appreciation and best wishes to him.

Recommendations for New Charter Schools (Hampden Charter School of Science-West, proposed location Westfield; Map Academy Charter School, Plymouth; Old Sturbridge Academy Charter School, Sturbridge)

Commissioner Chester stated he is recommending charters for three of the four groups that submitted final applications. He said two of the three recommended charter schools serve districts or regions that, based on current analysis, are among school districts performing in the lowest 10 percent of all districts on statewide assessments. The Commissioner said his recommendation of the Hampden Charter School of Science–West and Old Sturbridge Academy Charter Public School would permit the Board, per statute, to also award a Commonwealth charter to an applicant whose district or region is not identified as performing in the lowest 10 percent. While the proposed Map Academy Charter School would have a charter region that includes one district performing in the lowest 10 percent, the composite region is not in the lowest 10 percent.

Hampden Charter School of Science-West

Commissioner Chester directed Board members to his memo dated February 27, 2017, summarizing the Department’s due diligence and fact finding related to the allegations regarding the proposed Hampden Charter School of Science –West (HCSS-West). The allegations were submitted by the law firm of Amsterdam and Partners, LLP. The Commissioner said he used three standards in determining his decision with respect to the allegations about the school: (1) whether the assertions are grounded in evidence, (2) whether the evidence is specific to the application for this particular charter, and (3) whether the evidence is relevant to granting a new charter.

Commissioner Chester said HCSS has been a very high performing charter school with a diverse student body and high demand for new seats, and he has designated HCSS as a proven provider based on its outstanding track record. He summarized the responses in his February 27th memo. The Commissioner said having reviewed all of the information presented, he has found no evidence to support the allegations with respect to the existing HCSS or the proposed HCSS-West, and he stands by his recommendation to grant a charter to HSCC-West.

Commissioner Chester invited Jeff Wulfson, Deputy Commissioner; Cliff Chuang, Senior Associate Commissioner; Alison Bagg, Director of Charter Schools and School Redesign; and Alyssa Hopkins, School Development Manager, Charter School Office and School Redesign to address questions from Board members.

Ms. Craven expressed concern about the financial allegations. Mr. Wulfson responded that the Department has found no evidence to support the allegations about “ambiguous financial practices.” Mr. Moriarty said while the allegations are troubling, they are just allegations and need to be weighed in relation to the demand from families for expanded STEM opportunities for students. Mr. Chuang and Ms. Bagg said the Department has looked into the facts and HCSS has been forthcoming when asked about any Gulen affiliation; the school consistently denies any association. Ms. Bagg added that students and families at HCSS have never raised concerns about religious beliefs.

Mr. Doherty stated that he too finds the allegations concerning and wonders if the Department has the expertise to dig into them. He asked if the allegations have been discussed with the Attorney General's office, and if the Board could postpone the vote. Chair Sagan responded that the vote cannot be postponed because the February deadline is in statute; however, the Board can revisit a charter at any time and could revoke a charter for cause.

Chair Sagan invited the HCSS administrators: Volkan Yesilyurt, Ph.D., Board Chair, Hampden Charter School of Science; Nigar Khan, Vice- Chair; and Tarkan Topcuoglu, Director of School, to address the members. Dr. Yesilyurt said the allegations are false and HCSS has submitted a written response. The panel responded to questions from Ms. McKenna about the school's contract with Apple Education Services (AES), the possible network affiliation of over 100 charter schools in the U.S., and HCSS's use of the H-1B visa program. Mr. Moriarty followed up with questions about the school's future facilities and land acquisitions and the panel responded. Mr. Moriarty added that the school should be aware many eyes will be watching, and if the allegations are proven, he would be inclined to revoke the charter.

Chair Sagan acknowledged that this is a most unusual matter for the Board. He said the accusations are troubling, as is the manner in which the accusations have been brought to the Board. Chair Sagan said HCSS has met high standards and provides opportunities that students need. He said he would decide based on the interests of the children, and if evidence is presented in the future that supports the allegations, the Board could move on revocation of the charter. Secretary Peyser concurred. He said HCSS is a very high performing school that has earned the proven provider designation. The Secretary said allegations are not the same as evidence, and the Board has not heard from the Federal government on any of these matters.

Ms. McKenna stated her concern is for transparency, and the allegations leave too many questions unanswered. Ms. Noyce noted that during the public hearing on the proposed HCSS-West, there was tremendous support from parents for this application. Mr. Moriarty said he had heard from State Representative Aaron Vega of Holyoke who voiced his opposition. Mr. Moriarty added that he would vote for the new charter because the school is high performing and is in demand, and he knows the Board can revisit the decision if the evidence warrants it.

In response to questions, Commissioner Chester explained the "not less than 2" provision in the charter school statute: If HCSS-West is not approved, then the Board could not grant a charter to the proposed MAP Academy, based on the state law. The Commissioner noted that HCSS-West anticipates opening for the 2018-2019 school year and the school will be watched very closely between now and then. He said if the Department receives information about a nefarious situation involving the school, we would take action based on that evidence.

Ms. Stewart commented that the "not less than 2" provision in the statute should be changed and said she could not support this charter. Mr. Doherty said the people of Massachusetts have spoken regarding charter schools and he would vote no. Ms. Craven stated she supports high-quality charters but is loathe to dismiss concerns raised by the Republic of Turkey, an ally of the U.S. government, about possible misuse of public funds. Mr. Moriarty asked if the State Auditor and/or Inspector General could assist. Chair Sagan said that could be requested. Commissioner Chester said he would raise this matter with the State Auditor.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, and subject to the conditions set forth below, hereby grants a charter to the following school, as recommended by the Commissioner.

Commonwealth Charter:

Hampden Charter School of Science-West

Location:	Westfield
Charter Region:	Westfield, Agawam, Holyoke, West Springfield
Maximum Enrollment:	588
Grade Levels:	6-12
Opening Year:	FY2019

The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may establish, all of which shall be deemed conditions of the charter.

The vote was 5-3-1. Mr. Doherty, Ms. McKenna, and Ms. Stewart voted in opposition. Ms. Craven abstained.

Old Sturbridge Academy Charter School, Sturbridge

Commissioner Chester presented an overview of the proposed Old Sturbridge Academy Charter School, Sturbridge. He said the proposed school would offer project-based learning, a culture of high expectations, an emphasis on character development, and daily access to museum resources at Old Sturbridge Village. Commissioner Chester noted this is the second time the Old Sturbridge group has applied for a charter, and the Department has observed considerable growth in their capacity and ability to address the issues previously identified by the Department. Specifically, the applicant group has satisfied concerns about supports for diverse learners and provided evidence that the group is reflective about its proposed program and demonstrates continuous improvement in its approach to planning and preparing for the proposed school.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, and subject to the

conditions set forth below, hereby grants a charter to the following school, as recommended by the Commissioner.

Commonwealth Charter:

Old Sturbridge Charter Public School

Location:	Sturbridge
Charter Region:	Sturbridge, Brimfield, Brookfield, Holland, Monson, North Brookfield, Palmer, Southbridge, Spencer-East Brookfield, Wales, Webster
Maximum Enrollment:	360
Grade Levels:	K-8
Opening Year:	FY2018

The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may establish, all of which shall be deemed conditions of the charter.

The vote was 5-4. Mr. Doherty, Ms. McKenna, Mr. Moore, and Ms. Stewart voted in opposition.

Map Academy Charter School, Plymouth

Commissioner Chester said the proposed Map Academy Charter School, a new Commonwealth charter high school, would be located in Plymouth and serve residents of Plymouth, Carver, and Wareham. It would serve students who have dropped out of school or who are at risk of dropping out, providing them with a highly supportive school culture and a personalized educational experience through the use of individualized learning plans, a flexible schedule, and a competency-based curriculum. The proposed school would offer career development opportunities and require students to successfully complete English and mathematics courses at Quincy College in Plymouth. It intends to admit students across all traditional high school grade levels within its competency-based program, which exceeds the statutory requirement to fill vacancies. The school would open for the 2018-2019 school year.

Commissioner Chester said he believes the school has a well-thought-out plan, and local officials support it. Ms. Stewart said she attended the public hearing on the proposed charter school and it was very positive, including statements of support from the superintendent, school committee, and students.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, and subject to the conditions set forth below, hereby grants a charter to the following school, as recommended by the Commissioner.

Commonwealth Charter:

Map Academy Charter School

Location:	Plymouth
Charter Region:	Plymouth, Carver, Wareham
Maximum Enrollment:	300
Grade Levels:	9-12
Opening Year:	FY2019

The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may establish, all of which shall be deemed conditions of the charter.

The vote was 8-0-1. Mr. Doherty abstained.

Proposed Amendments to Existing Charters (Alma del Mar Charter School, New Bedford; Community Charter School of Cambridge, Cambridge; Pioneer Valley Chinese Immersion Charter School, Hadley; UP Academy Charter School of Dorchester (Horace Mann), Boston)

Alma del Mar Charter School, New Bedford

Commissioner Chester presented the amendment request from the board of trustees of Alma del Mar Charter School, which seeks approval of an amendment to increase its maximum enrollment by 90 students to reach a maximum enrollment of 450 students in grades K-8. He said the school previously submitted this request in 2015, prior to its renewal in 2016.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amends the charter granted to the following school, as presented by the Commissioner:

Alma del Mar Charter School (enrollment increase from 360 to 450)

Location:	New Bedford
Maximum Enrollment:	450
Grades Served:	K-8
Effective school year:	FY2018

The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.

The vote was 7-2. Mr. Doherty and Ms. Stewart voted in opposition.

Community Charter School of Cambridge, Cambridge

Commissioner Chester said the Community Charter School of Cambridge (CCSC) has had its charter renewed twice. The board of trustees of CCSC requests approval to increase its maximum enrollment by 60 students to an enrollment total of 420 students by the 2018-2019 school year. The Commissioner said he recommends that the Board approve the requested amendment and remove the condition on the school's charter that limits Cambridge enrollment to no more than 300 students. He explained that this enrollment condition was placed on the school's charter when it was first awarded by the Board in 2004 because of a limited number of seats available in Cambridge at the time. The Commissioner also recommended that the Board attach a condition to the enrollment increase to require the school to limit the admission of new students to Cambridge residents, except for siblings of currently enrolled students, until the percentage of Cambridge residents attending the school meets or exceeds 80 percent of the school's enrollment. Ms. McKenna asked if the school has more demand from Boston residents than from Cambridge. Ms. Hopkins responded that there has been an uptick recently in enrollment from Cambridge.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amends the charter granted to the school, as presented by the Commissioner:

Community Charter School of Cambridge (enrollment increase from 360 to 420)

Location:	Cambridge
Maximum Enrollment:	420

Grades Served:
Effective year:

6-12
FY2018

Provided that, with the exception of siblings of currently enrolled students, the school limit admission of new students to Cambridge residents until the percentage of Cambridge residents attending the school meets or exceeds 80 percent of total students at the school. Community Charter School of Cambridge shall be operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable state and federal laws and regulations; and such additional conditions as the Commissioner may from time to time establish, all of which shall be deemed conditions of the charter.

The vote was 6-1-2. Mr. Doherty voted in opposition. Mr. Moore and Ms. Stewart abstained.

UP Academy Charter School of Dorchester:

Commissioner Chester explained that the board of trustees of UP Academy Charter School of Dorchester (UAD) has requested approval of an amendment to temporarily increase its maximum enrollment by 70 students over three years to 820 students in grades PK-8. He noted this Horace Mann charter school is a turnaround of the former John Marshall School in the Boston Public Schools. The school's amendment request has the approval of the Boston School Committee and Boston Teachers Union.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amends the charter granted to the following Horace Mann charter school, as presented by the Commissioner:

UP Academy Charter School of Dorchester (enrollment increase from 750 to 820 for three fiscal years; enrollment to return to 750 in FY2021)

Location:	Boston
Maximum Enrollment:	820 (750 beginning in FY2021)
Grades Served:	PK-8
Effective school year:	FY2018-FY2020

Provided that the school shall enroll no more than 750 students beginning with FY2021, the 2020-2021 school year. UP Academy Charter School of Dorchester shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter.

The vote was unanimous.

Pioneer Valley Chinese Immersion Charter School:

Chair Sagan asked those wishing to provide public comment regarding the proposed amendment to the Pioneer Valley Chinese Immersion Charter School (PVCICS) to come forward. He noted that the Board also received a letter opposing the school's expansion from Representative Solomon Goldstein-Rose of Amherst just before the meeting this evening.

Statements from the Public on PVCICS

1. Dr. Michael Morris, Superintendent, Amherst, Pelham, and Amherst-Pelham Regional School Districts
2. Peter Gunn, Secretary, Easthampton School Committee
3. Peter Demling, Parent, Amherst Regional Public Schools, Candidate, Amherst School Committee
4. Cara Castenson, Chair of the Pelham School Committee
5. Richard Alcorn, Executive Director, Pioneer Valley Chinese Immersion Charter School
6. Kathleen Wang, Principal, Pioneer Valley Chinese Immersion Charter School
7. Paula Quinn, Board Member, Pioneer Valley Chinese Immersion Charter School

Commissioner Chester explained the board of trustees of PVCICS is requesting approval of an amendment to increase its maximum enrollment by 452 students to reach a maximum enrollment of 1,036 students in grades K-12. He said the school states that an increase in student enrollment will increase access to the school's Chinese language immersion and International Baccalaureate programming, increase the diversity of curricular and extra-curricular options for older students, and address facility needs. Commissioner Chester acknowledged the local school officials who oppose the expansion; he noted that his recommendation is not a reflection on the district schools but is based on the merits of this particular application.

Board members voiced concerns about whether and how the school is addressing issues relating to diversity of the student population, especially students with disabilities and ELL students. Chair Sagan noted that the school has the ability to expand under its current charter because it is not yet at capacity. Mr. Chuang said the school's current growth pattern may not be viable. Chair Sagan said this school provides a good option for families, as there are only a few language immersion schools in Massachusetts, but the demand for these additional seats is not evident. He said the school might make a more persuasive case if it addresses concerns that have been raised. Mr. Chuang said the school could come back with a revised request at a future date; it does not have to wait until next February because this is an amendment to an existing charter, not a proposed new charter.

On a motion duly made and seconded, it was:

MOVED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby amends the charter granted to the following school, as presented by the Commissioner:

Pioneer Valley Chinese Immersion Charter School (enrollment increase from 584 to 1,036)

Location: Hadley
Charter Region: Agawam, Amherst, Amherst-Pelham, Belchertown, Chesterfield-Goshen, Chicopee, Conway, Deerfield, East Longmeadow, Easthampton, Frontier, Gill-Montague, Granby, Granville, Greenfield, Hadley, Hampden-Wilbraham, Hampshire, Hatfield, Hawlemont, Holyoke, Leverett, Longmeadow, Ludlow, Mohawk Trail, Northampton, Pelham, Pioneer Valley, Shutesbury, South Hadley, Southampton, Springfield, Sunderland, West Springfield, Westfield, Westhampton, Whately, Williamsburg, Southwick-Tolland

Maximum Enrollment: 1,036
Grades Served: K-12
Effective school year: FY2018

Provided that should the school fail to increase student enrollment, in accordance with the growth plan contained within the school's amended enrollment policy as approved by the Commissioner in 2017, and reports fewer than 800 students enrolled at the school on October 1, 2021, the Board of Elementary and Secondary Education may reduce the school's maximum enrollment accordingly. The charter school shall be operated in accordance with the provisions of General Laws chapter 71, section 89; 603 CMR 1.00; and all other applicable state and federal laws and regulations and such conditions as the Commissioner or the Board of Elementary and Secondary Education may from time to time establish, all of which shall be deemed conditions of the charter, including to limit the school's actual enrollment to a lesser number than the maximum enrollment approved herein.

The motion failed by a vote of 2-7. Chair Sagan, Ms. Craven, Mr. Doherty, Ms. McKenna, Mr. Moore, Ms. Noyce, and Ms. Stewart voted in opposition.

Report on Conditions for New Heights Charter School of Brockton

Commissioner Chester said that in February 2016, the Board awarded a charter to the board of trustees of the New Heights Charter School of Brockton (NHCSB), a Commonwealth charter school chartered to serve the region of Brockton, Randolph, and Taunton. At that time, the Board also placed a condition on the charter of NHCSB related to the provision of transportation for

Taunton and Randolph residents. Commissioner Chester recommended that the Board remove the condition from the school's charter because the school has met the condition.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education, in accordance with General Laws chapter 71, section 89, and 603 CMR 1.00, hereby removes the condition previously imposed on the charter of the New Heights Charter School of Brockton because the school has met the condition related to a transportation plan for residents of Taunton and Randolph.

The vote was unanimous.

On a motion duly made and seconded, it was:

VOTED: that the Board of Elementary and Secondary Education adjourn the meeting at 9:10 p.m., subject to the call of the Chair.

The vote was unanimous.

Respectfully submitted,
Mitchell D. Chester
Commissioner of Elementary and Secondary Education
and Secretary to the Board